

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.	Adv. Pro. No. 08-01789 (SMB) SIPA LIQUIDATION (Substantively Consolidated)
In re: BERNARD L. MADOFF, Debtor.	
IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff, Plaintiff, v. ESTATE OF LILLIAN B. STEINBERG. <i>et al.</i> , Defendants.	Adv. Pro. No. 10-04948 (SMB)

**STIPULATION AND ORDER REFERRING DISCOVERY
DISPUTE TO ARBITRATOR**

WHEREAS, on November 30, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against the Estate of Lillian B. Steinberg (the “Defendant”, and with the “Trustee”, the Parties);

WHEREAS, on October 4, 2016, Judge Bernstein entered an Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390 (the “October 2016 Order”) appointing the Honorable Frank Mas (ret.) (c/o Jams, Inc. as Discovery Arbitrator (the “Discovery Arbitrator”) to resolve disputes that may arise and which have been specifically referred to him by the Court with the consent of the Parties;

WHEREAS, the Trustee served on the Defendant his discovery requests;

WHEREAS, the Defendant raised objections to the discovery on several grounds; and

WHEREAS, the Parties have conferred in good faith and are unable to resolve their differences.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Parties, as follows:

1. The Parties agree that the dispute relating to the Trustee’s discovery shall be resolved consistent with the procedures outlined in the October 2016 Order.

2. The Parties agree that within ten (10) business days of the entry of the order approving this Stipulation, the Trustee will transmit via email a letter summarizing the dispute of no more than three (3) pages, excluding exhibits, to the Discovery Arbitrator, as contemplated in paragraph 7 of the October 2016 Order.

3. The Parties agree that within ten (10) business days of the entry of an order approving this Stipulation, the Defendant will transmit via email a letter response not to exceed three (3) pages, excluding exhibits, to the Discovery Arbitrator, as contemplated in paragraph 8 of the October 2016 Order.

4. The Parties agree that the Discovery Arbitrator shall thereafter establish procedures for the resolution of the dispute, as contemplated in paragraph 8 of the October 2016 Order.

5. Except as expressly set forth herein, the Parties to this Stipulation reserve all rights and defenses they may have.

6. During the period of this referral, the Parties agree to stay the February 1, 2017 deadline to conclude fact discovery and enter into a new Case Management Notice upon conclusion of the referral.

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Dated: February 16, 2017

By: /s/ Heather J. McDonald

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Attorneys for Defendants

SO ORDERED

/s/ STUART M. BERNSTEIN

HON. STUART M. BERNSTEIN

UNITED STATES BANKRUPTCY JUDGE

Dated: February 17, 2017
New York, New York